

TRIAL EXHIBIT FORM

JOINT TRIAL EXHIBITS Plaintiff and Defendant <hr/> (Indicate plaintiff or defendant)			DRM, Inc., Plaintiff <hr/> V. Case No. <u>3:14-cv-00754</u> BLM Land, LLC, Defendant	
Date	Identification		Description	Offers, Objections, Rulings, Exceptions
	No.	Witness		
	1		8/18/11 Partially executed Lease between BLM Land, LLC, and DRM, Inc. (Batenhorst Dep. Ex. 1)	
	2		11/23/11 Email from Gary Batenhorst of Cline Williams to Fred Wesner, cc: Matt Johnson re: Declaration of Restrictive Covenants (BLM/2101 Morse 830-834; Batenhorst Dep. Ex. 2)	
	3		11/23/11 Email from Fred Wesner to Gary Batenhorst re: draft Declaration of Restrictive Covenants (BLM/2101 Morse 843-846; Batenhorst Dep. Ex. 3)	
	4		11/23/11 Email from Gary Batenhorst to Fred Wesner, cc: Matt Johnson Re: proposed revisions to Declaration of Restrictive Covenants (BLM/2101 Morse 847-848; Batenhorst Dep. Ex. 5)	
	5		12/09/11 Declaration of Restrictive Covenant re: Lot 1 (Arby's Tract) and Lot 2 (Developer Tract) (Batenhorst Dep. Ex. 6)	
	6		09/09/14 Email from Michael E. Banks to Gary Batenhorst re: Permitted User Agreement (Batenhorst Dep. Ex. 7)	
	7		11/01/14 Memorandum of Restrictive Covenant, Lot 1 (Arby's Tract) and Lot 2 (Developer Tract) (Batenhorst Dep. Ex. 8)	

Date	Identification		Description	Offers, Objections, Rulings, Exceptions
	No.	Witness		
	8		10/14/14 Amended and Restated Memorandum of Restrictive Covenant re: Lot 1 (Arby's Tract) and Lot 2 (Developer Tract) (Batenhorst Dep. Ex. 9)	
	9		Page 1 of Declaration of Restrictive Covenant with handwritten notes and redactions (Batenhorst Dep. Ex. 10)	
	10		06/15/11 Handwritten notes re: Restrictive Covenant (Batenhorst Dep. Ex. 11)	
	11		03/24/11 Partially executed LOI between Matthew S. Johnson of DRM, Inc., and Terry McGuire of BLM Land, LLC (Johnson Dep. Ex. 12)	
	12		03/30/11 Email from Terry McGuire to Matt Johnson, cc: Tom Lasse re: attached proposed Arby's LOI response (DRM000063 – DRM000065; Johnson Dep. Ex. 13)	
	13		04/14/11 Draft of LOI between DRM, Inc. and BLM Land, LLC (Johnson Dep. Ex. 14)	
	14		10/31/14 Email from Terry McGuire to Fred Wesner and David Moore re: comments related to LOI (Johnson Dep. Ex. 15)	
	15		05/19/11 Draft LOI between DRM, Inc. and BLM Land, LLC (Johnson Dep. Ex. 16)	
	16		06/01/11 Fully-executed LOI between DRM, Inc. and BLM Land, LLC (Johnson Dep. Ex. 17)	
	17		09/12/11 Page 13 of signature page to Lease (Johnson Dep. Ex. 18)	

Date	Identification		Description	Offers, Objections, Rulings, Exceptions
	No.	Witness		
	18		10/17/11 Email from Matt Johnson to Terry McGuire, cc: Marc Johnson and Matt Johnson re: no objection to Panchero's Mexican Grill (DRM000879; Johnson Dep. Ex. 19)	
	19		10/17/11 Email from Matt Johnson to Terry McGuire, cc: Marc Johnson and Matt Johnson re: Starbucks and test markets regarding deli-style sandwiches (DRM000874; Johnson Dep. Ex. 20)	
	20		06/22/12 Email from Matt Johnson to Terry McGuire, cc: Marc Johnson re: Panchero's and hi-rise sign cost (DRM000736; Johnson Dep. Ex. 21)	
	21		09/01/14 Email from Pat McCarthy of Pinnacle National Commercial R.E. to Terry McGuire and Amanda Witt re: disappointment with non-execution of Lease for Mr. Brews (BLM000278; Johnson Dep. Ex. 22)	
	22		09/20/14 Email from Terry McGuire to Matt Johnson re: objection to Chipotle v. Brews Brothers (DRM001106; Johnson Dep. Ex. 23)	
	23		09/20/14 Email from Terry McGuire to Fred Wesner re: parking situation with Red Lobster (Johnson Dep. Ex. 24)	
	24		09/20/14 Email from Terry McGuire to Fred Wesner re: Red Lobster (Johnson Dep. Ex. 25)	
	25		10/31/14 Email from Terry McGuire to David Moore and Fred Wesner re: Tom & Chee menu included in the prohibited use of the Lease (Johnson Dep. Ex. 26)	

Date	Identification		Description	Offers, Objections, Rulings, Exceptions
	No.	Witness		
	26		10/31/14 Email from Terry McGuire to Fred Wesner and David Moore re: not waiving use restriction for Panera Bread (Johnson Dep. Ex. 27)	
	27		Aerial view photo of property located at 3333 Milton Avenue, Janesville, Wisconsin (DRM000007; McGuire Dep. Ex. 28)	
	28		04/07/15 Notice of Deposition of Terry McGuire (McGuire Dep. Ex. 29)	
	29		12/05/14 Defendant's Answer and Affirmative Defenses in <i>DRM, Inc. v. BLM Land, LLC</i> (McGuire Dep. Ex. 30)	
	30		01/09/15 Defendant's Counterclaims in <i>DRM, Inc. v. BLM Land, LLC</i> (McGuire Dep. Ex. 31)	
	31		03/24/15 Defendant BLM Land, LLC's Response to DRM, Inc.'s First Set of Requests for Admission (McGuire Dep. Ex. 32)	
	32		03/24/15 Defendant BLM Land, LLC's Response to DRM, Inc.'s First Set of Interrogatories and Requests for Production of Documents (McGuire Dep. Ex. 33)	
	33		Sale or Lease Flyer for former Del Taco Property (DRM000001; McGuire Dep. Ex. 34)	
	34		01/10/11 Email from Laurie Sheil to Marc Johnson and Matt Johnson re: attached Aerial Photo of Oasis Outlot dated March 2009 (DRM001925 – DRM001926; McGuire Dep. Ex. 35)	

Date	Identification		Description	Offers, Objections, Rulings, Exceptions
	No.	Witness		
	35		Oasis Outlot Arial view of the Oasis Retail Development (DRM000006; McGuire Dep. Ex. 36)	
	36		03/03/11 Email from Terry McGuire to Matt Johnson re: site drawings for the former Del Taco Property (DRM001919 – DRM001924; McGuire Dep. Ex. 37)	
	37		03/03/11 Email from Terry McGuire to Matt Johnson re: attached Oasis marketing materials (DRM001906, DRM000009 – DRM000020; McGuire Dep. Ex. 38)	
	38		03/07/11 Email from Terry McGuire to Matt Johnson re: property information for 2101 Morse Street (DRM000819; McGuire Dep. Ex. 39)	
	39		03/15/11 Email from Matt Johnson to Terry McGuire re: attached March of 2011 Exclusive Negotiation and Confidentiality Agreement between BLM Land, LLC and DRM, Inc. re: Del Taco Property (DRM001562 – DRM001566; McGuire Dep. Ex. 40)	
	40		03/24/11 Email from Matt Johnson to Terry McGuire, cc: Matt Johnson re: attached LOI Lease Agreement, conversion layout for the building addition, conversion site layout for additional parking and exterior views (DRM001688 – DRM001707; McGuire Dep. Ex. 41)	

Date	Identification		Description	Offers, Objections, Rulings, Exceptions
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	41		03/24/11 Email from Terry McGuire to Matt Johnson re: response to receipt of materials related to LOI Lease Agreement, etc. (DRM000815; McGuire Dep. Ex. 42)	
	42		03/29/11 Email from Matt Johnson to Terry McGuire re: attached Word version of LOI (DRM001518 – DRM001522; McGuire Dep. Ex. 43)	
	43		03/30/11 Email from Terry McGuire to Matt Johnson, cc: Tom Lasse re: attached Arby's LOI response (DRM001680 – DRM001683; McGuire Dep. Ex. 44)	
	44		04/04/11 Email from Matt Johnson to Terry McGuire re: attached preliminary conversion site layout for Arby's Restaurant (DRM001676 – DRM001677; McGuire Dep. Ex. 45)	
	45		04/14/11 Email from Matt Johnson to Terry McGuire, cc: Matt Johnson re: attached revised LOI and related materials (DRM001459 – DRM001483; McGuire Dep. Ex. 46)	
	46		04/28/11 Email from Matt Johnson to Terry McGuire re: comments related to Lease (DRM00794 – DRM00796; McGuire Dep. Ex. 47)	
	47		05/02/11 Email from Terry McGuire to Matt Johnson re: Lease review and attorney notes (DRM000793; McGuire Dep. Ex. 48)	

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	No.	Witness		
	48		05/17/11 Email from Matt Johnson to Terry McGuire, Tom Lasse and William Mears, cc: Marc Johnson re: sending final LOI and Lease Agreement by end of week (DRM000782 – DRM000783; McGuire Dep. Ex. 49)	
	49		05/20/11 Email from Matt Johnson to Terry McGuire re: attached redline LOI with comments (DRM001124 – DRM001155; McGuire Dep. Ex. 50)	
	50		05/26/11 Email from Terry McGuire to Matt Johnson re: double bank parking (DRM000778 – DRM000779; McGuire Dep. Ex. 51)	
	51		05/27/11 Email from Terry McGuire to Matt Johnson re: ongoing Exclusive Negotiation and Confidentiality Agreement (DRM000770 – DRM000722; McGuire Dep. Ex. 52)	
	52		06/02/11 Email from Matt Johnson to Terry McGuire, cc: Marc Johnson re: attached final draft LOI (DRM001971 – DRM001992; McGuire Dep. Ex. 53)	
	53		06/04/11 Email from Matt Johnson to Matt Johnson and Terry McGuire re: agreement with escrow (DRM001086; McGuire Dep. Ex. 54)	
	54		06/07/11 Email from Terry McGuire to Matt Johnson re: attached signed LOI with modification (DRM000994 – DRM000998; McGuire Dep. Ex. 55)	

Date	Identification		Description	Offers, Objections, Rulings, Exceptions
	No.	Witness		
	55		06/09/11 Email from Matt Johnson to Terry McGuire, cc: Marc Johnson and Gary Batenhorst and Matt Johnson re: attached fully-executed LOI between DRM, Inc. and BLM Land, LLC (DRM001727 – DRM001731; McGuire Dep. Ex. 56)	
	56		06/21/11 Email from Terry McGuire to Matt Johnson re: intent to review redlined and original Lease Agreement incorporating business terms of LOI and forwarding comments (DRM001083; McGuire Dep. Ex. 57)	
	57		06/25/11 Email from Terry McGuire to Matt Johnson re: reaction to not constructing the “shared parking area” (DRM001082; McGuire Dep. Ex. 58)	
	58		06/21/11 Email from Terry McGuire to Matt Johnson re: no major changes, just some clarifications in language on the CAM (DRM001081; McGuire Dep. Ex. 59)	
	59		08/16/11 Email from Gary R. Batenhorst to Bruce Briney, cc: Matt Johnson re: DRM Lease (DRM001062 – DRM001063; McGuire Dep. Ex. 60)	
	60		08/18/11 Email from Terry McGuire to Matt Johnson re: Janesville Lease (DRM000141; McGuire Dep. Ex. 61)	

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	No.	Witness		
	61		08/30/11 Email from Terry McGuire to Bruce Briney, cc: Matt Johnson re: High-rise sign issue and no problem granting easement for sign (DRM001056 – DRM001058; McGuire Dep. Ex. 62)	
	62		09/09/11 Email from Matt Johnson to Terry McGuire, cc: Marc Johnson and Matt Johnson re: attached pylon sign locations on the aerial site photos (DRM001294 – DRM001300; McGuire Dep. Ex. 63)	
	63		09/12/11 Lease between BLM Land, LLC and DRM, Inc. (BLM/2101 Morse 965-689; McGuire Dep. Ex. 64)	
	64		11/23/11 Email from Gary R. Batenhorst to Fred Wesner, cc: Matt Johnson re: attached proposed revisions to Declaration of Restrictive Covenant (DRM001032 – DRM001048; McGuire Dep. Ex. 65)	
	65		12/16/11 Email from Fred Wesner to Larry Squire and Terry McGuire, cc: Bruce Briney re: attached fully-executed copy of Disclaimer, Subordination, and Non-Disturbance Agreement regarding the DRM, Inc. matter (BLM/2101 Morse 1023-1032; McGuire Dep. Ex. 66)	
	66		01/18/12 Email from Matt Johnson to Terry McGuire and Marc Johnson re: all conditions precedent met with the exception of a \$50k Lease obligation payment (DRM000739; McGuire Dep. Ex. 67)	

Date	Identification		Description	Offers, Objections, Rulings, Exceptions
	No.	Witness		
	67		09/21/12 Executed LOI between Darden Restaurants and BLM, Land (BLM001 – BLM006; McGuire Dep. Ex. 68)	
	68		10/01/12 Email from Larry Squire to Terry McGuire re: BLM update (BLM0058; McGuire Dep. Ex. 69)	
	69		11/13/12 Email from Larry Squire to Terry McGuire re: Oasis Development update (BLM0049 – BLM0050; McGuire Dep. Ex. 70)	
	70		04/15/13 Email from Larry Squire to Terry McGuire, cc: Tom Lasse and Terry McGuire re: BLM update (BLM0056 – BLM0057; McGuire Dep. Ex. 71)	
	71		07/25/13 Declaration of Restrictive Covenant re: Lot 2 and Lot 1 BLM Land, LLC to sell CFT Developments, LLC (BLM/S&S File 548 – 551; McGuire Dep. Ex. 72)	
	72		11/14/13 Letter from Barry Badertscher to Terry and Mandy re: Site issues that need to be addressed (BLM0066; McGuire Dep. Ex. 73)	
	73		03/25/15 Email from Amanda Witt to Terry McGuire re: Lot 5 info and Grey Shell (BLM00297 – BLM00304; McGuire Dep. Ex. 74)	
	74		Vacant Land Offer to Purchase by S&S Milton Ave., LLC (McGuire Dep. Ex. 75)	
	75		Draft Lease between BLM Land, LLC and Bruce Clark (YoFresh Yogurt Café, Franchisee) (BLM00190 – BLM00218; McGuire Dep. Ex. 76)	

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	No.	Witness		
	76		09/09/14 Lease between BLM Land, LLC and Mr. Brews Tap House VI, LLC (BLM00153 – BLM00189; McGuire Dep. Ex. 78)	
	77		09/2014 Lease between BLM Land, LLC and LV.YUMEI.SALON.106, LLC (McGuire Dep. Ex. 79)	
	78		09/19/14 Email from Gary Batenhorst to Michael E. Banks, cc: Matt Johnson and Trenten P. Bausch re: Permitted User Agreement between The Diamond Center, Inc. and DRM, Inc. (DRM000681 – DRM000682; McGuire Dep. Ex. 80)	
	79		09/19/14 Email from Fred Wesner to Michael Banks, cc: Terry McGuire re: attached page 1 of the Lease Agreement relating to Arby's and a copy of Exhibit A (McGuire Dep. Ex. 81)	
	80		09/23/14 Email from Terry McGuire to Matt Johnson re: Denny's (DRM000677; McGuire Dep. Ex. 83)	
	81		10/01/14 Letter from Gary R. Batenhorst of Cline Williams to Terry McGuire of BLM Land, LLC re: Notice of Default (McGuire Dep. Ex. 84)	
	82		10/08/14 Email from Fred Wesner to Larry Squire, cc: Terry McGuire and David Moore re: DRM, Inc./BLM Land, LLC use restriction dispute with attached page 1 to Lease, Exhibit A, and recorded Declaration of Restrictive Covenant (BLM/2101 Morse 1064-1073 and pp. 1, 7 and 36 to 11/21/14 Lease Agreement S&S Milton Ave., LLC and Chipotle; McGuire Dep. Ex. 85)	

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	No.	Witness		
	83		Panchero's Mexican Grill Menu (BLM00253 – BLM00257; McGuire Dep. Ex. 86)	
	84		04/07/15 Expert Report of Jon J. Marshall, ASA (Marshall Dep. Ex. 87)	
	85		04/07/15 Notice of Deposition Duces Tecum of Jon J. Marshall (Marshall Dep. Ex. 89)	
	86		Expert File of Jon J. Marshall (Marshall Dep. Ex. 90)	
	87		06/20/11 Email from Matt Johnson to Terry McGuire, cc: Gary Batenhorst and Marc Johnson re: attached redlined and original Lease Agreement (DRM001317 – DRM001368; Wesner Dep. Ex. 91)	
	88		07/13/11 Email from Matt Johnson to Terry McGuire, cc: Bruce Briney and Gary Batenhorst re: attached draft Lease (BLM/2101 Morse 100-147; Wesner Dep. Ex. 92)	
	89		08/05/11 Email from Bruce Briney to Gary Batenhorst re: attached revised Declaration of Restrictions and Lease (BLM/2101 Morse 252-286; Wesner Dep. Ex. 93)	
	90		08/09/11 Email from Gary Batenhorst to Bruce Briney, cc: Matt Johnson re: attached redline and clean Lease (DRM001625 – DRM001663; Wesner Dep. Ex. 94)	
	91		08/11/11 Email from Bruce Briney to Gary Batenhorst re: attached Declaration and clean copy of Lease (BLM/2101 Morse 298-360; Wesner Dep. Ex. 95)	

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	No.	Witness		
	92		08/15/11 Email from Gary R. Batenhorst, Esq. of Cline Williams to Bruce Briney, cc: Matt Johnson re: Lease and Declaration (DRM001064 – DRM001065; Wesner Dep. Ex. 96)	
	93		08/16/11 Email from Bruce Briney to Gary Batenhorst re: attached blackline and clean copies of Lease and Declaration (BLM/2101 Morse 370-431; Wesner Dep. Ex. 97)	
	94		09/06/11 Email from Gary Batenhorst to Bruce Briney re: Lease addendum (BLM/2101 Morse 481-483; Wesner Dep. Ex. 98)	
	95		12/12/11 Letter from Frederick L. Wesner to Gary Batenhorst re: documents in regards to the BLM Land, LLC/DRM, Inc. Lease transaction (Wesner Dep. Ex. 99)	
	96		05/01/14 Letter from Frederick L. Wesner to Michael E. Banks re: BLM Land, LLC/S&S Milton Ave., LLC Real Estate Transaction (Wesner Dep. Ex. 100)	
	97		04/10/15 Notice of Deposition Duces Tecum of Ronald A. Bero, Jr. (Bero Dep. Ex. 101)	
	98		03/06/15 Expert Report of Ronald A. Bero, Jr., CPA/ABV, CFF (Bero Dep. Ex. 102)	
	99		New Retail Development Flyer for 3377 Milton Avenue, Janesville, Wisconsin (Bero Dep. Ex. 103)	
	100		Arby's 1222 Financial/Wisconsin Sales Tax Information 12/31/11 to 12/31/12 (DRM000591-DRM000675)	
	101		10/01/08 Lease between ADI Development Company and DRM, Inc. (DRM000519 – DRM000538)	

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	No.	Witness		
	102		11/03/11 Lease between Southpoint Merchants, LLC and DRM, Inc. with Addendum (DRM000539 – DRM000566)	
	103		10/09/13 Lease between McBain Enterprises, Inc. in c/o John Patch and DRM, Inc. (DRM000567 – DRM000590)	
	104		Project Cost Breakdowns for Unit 1222 relocation to 2101 Moore St. and supporting costs materials (DRM000201 – DRM000202, DRM000151 – DRM000213)	
	105		2011 Draft redlined lease between BLM Land, LLC and DRM, Inc.	
	106		03/03/11 Email from Terry McGuire of BLM to Matt Johnson re: attached Del Taco drawings (DRM001919 – DRM001924)	
	107		05/13/11 Email from Terry McGuire of BLM to Matt Johnson, Tom Lasse and William E. Mears of McGuire Mears re: “double banked” parking easement is acceptable (DRM000784 – DRM000785)	
	108		03/16/11 Email from Terry McGuire of BLM to Matt Johnson re: proposed LOI (DRM000818)	
	109		03/17/11 Email from Matt Johnson to Terry McGuire of BLM re: need for plans/specs (DRM000817)	
	110		03/17/11 Email from Terry McGuire of BLM to Matt Johnson re: LOI and request for Plans/Specs (DRM000816)	

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	111		03/24/11 Email from Matt Johnson to Terry McGuire of BLM re: attached LOI Lease Agreement, building and site layout and exterior images (DRM001688 – DRM001707)	
	112		03/28/11 Email from Terry McGuire of BLM to Matt Johnson re: review of LOI (DRM000813 – DRM000814)	
	113		04/04/11 Email from Matt Johnson to Terry McGuire of BLM re: attached preliminary site layout for former Del Taco (DRM001678 – DRM001679)	
	114		04/12/11 Email from Terry McGuire of BLM to Matt Johnson re: agreement to language in LOI (DRM000812)	
	115		04/14/11 Email from Terry McGuire of BLM to Matt Johnson re: acknowledgement of receipt of LOI (DRM000808 – DRM000809)	
	116		04/14/11 Email from Terry McGuire of BLM to Matt Johnson re: inquiring if existing equipment is of interest (DRM000806 – DRM000807)	
	117		04/14/11 Email from Matt Johnson to Terry McGuire of BLM re: unsure as to need for existing equipment (DRM000804 – DRM000805)	
	118		04/26/11 Email from Terry McGuire of BLM to Matt Johnson re: preparation to sign LOI with changes (DRM000801 – DRM000802)	

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	119		05/06/11 Email from Matt Johnson to Terry McGuire of BLM re: review/consider Lease and LOI comments (DRM000790 – DRM000792)	
	120		05/11/11 Email from Matt Johnson to Terry McGuire of BLM, cc: Marc Johnson re: attached Easement Agreement proposal options (DRM001421 – DRM001424)	
	121		05/19/11 Partially executed LOI between DRM, Inc. and BLM Land, LLC	
	122		05/23/11 Email from Terry McGuire of BLM to Matt Johnson re: comments on proposed LOI (DRM000781)	
	123		05/24/11 Email from Matt Johnson to Terry McGuire of BLM re: need for clarification on topic of additional parking (DRM000780)	
	124		06/01/11 Partially executed LOI between DRM, Inc. and BLM Land, LLC (DRM001972 – DRM001980)	
	125		06/02/11 Email from Matt Johnson to Terry McGuire of BLM re: alternative parking scenarios (DRM001090 – DRM001091)	
	126		06/03/11 Email from Terry McGuire of BLM to Matt Johnson re: review of alternative parking scenarios (DRM001088 – DRM001089)	
	127		06/04/11 Email from Terry McGuire of BLM to Matt Johnson re: LOI and issue with \$150,000 payment (DRM001087)	

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	128		08/04/11 Email from Gary R. Batenhorst, Esq. of Cline Williams to Bruce Briney, cc: Matt Johnson re: Declaration language (DRM001074)	
	129		08/10/11 Email from Gary R. Batenhorst, Esq. of Cline Williams to Bruce Briney, cc: Matt Johnson re: enforcement of Declaration (DRM001067)	
	130		08/12/11 Email from Gary R. Batenhorst, Esq. of Cline Williams to Bruce Briney, cc: Matt Johnson re: review of Lease and Declaration Restrictions (DRM001066)	
	131		08/30/11 Email from Gary R. Batenhorst, Esq. of Cline Williams to Bruce Briney, cc: Matt Johnson and Marc Johnson re: High-Rise sign issue (DRM001059 – DRM001060)	
	132		08/31/11 Email from Marc Johnson to Terry McGuire of BLM, cc: Matt Johnson and Marc Johnson re: conversion plans (DRM001053 – DRM001054)	
	133		09/02/11 Email from Gary R. Batenhorst, Esq. of Cline Williams to Bruce Briney, cc: Matt Johnson and Marc Johnson re: High-Rise sign and attached documents showing the proposed location for the sign (DRM001306 – DRM001311)	
	134		09/08/11 Email from Gary R. Batenhorst, Esq. of Cline Williams to Bruce Briney, cc: Matt Johnson re: Lease Addendum (DRM000884)	

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	135		09/12/11 Lease between BLM Land, LLC and DRM, Inc., page 1 and Exhibit A (BLM\S&S File75-78)	
	136		09/13/11 Email from Terry McGuire of BLM to Matt Johnson re: Lease Addendum (DRM000883)	
	137		09/29/11 Email from Gary R. Batenhorst, Esq. of Cline Williams to Bruce Briney, cc: Matt Johnson and Marc Johnson re: sign height and Lease condition matters (DRM000881 –DRM000882)	
	138		10/07/11 Email from Terry McGuire of BLM to Matt Johnson and Marc Johnson re: High-Rise pylon sign (DRM001434 – DRM001435)	
	139		10/17/11 Email from Terry McGuire of BLM to Matt Johnson re: Panchero's (DRM000880)	
	140		10/17/11 Email from Terry McGuire of BLM to Matt Johnson re: meeting with architect re: Panchero's (DRM000877 – DRM000878)	
	141		10/28/11 Email from Gary R. Batenhorst, Esq. of Cline Williams to F. Wesner, cc: Matt Johnson and Marc Johnson re: response from City regarding conditional use permit (DRM000867 – DRM000868)	

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	142		11/01/11 Email from Gary R. Batenhorst, Esq. of Cline Williams to F. Wesner, cc: Matt Johnson and Marc Johnson re: attached redlined High-Rise sign easement and Declaration of Easement (DRM000841 – DRM000866)	
	143		11/02/11 Email from Gary R. Batenhorst, Esq. of Cline Williams to Fred Wesner, cc: Marc Johnson and Matt Johnson re: Arby's parking (DRM001049 – DRM001051)	
	144		11/09/11 Email from Marc Johnson to Terry McGuire of BLM, cc: Matt Johnson, Marc Johnson and Gary R. Batenhorst, Esq. of Cline Williams re: construction escrow (DRM000769)	
	145		11/12/11 Email from Gary R. Batenhorst, Esq. of Cline Williams to Bruce Briney and Fred Wesner, cc: Matt Johnson and Marc Johnson re: conference call (DRM000768)	
	146		11/21/11 Email from Gary R. Batenhorst, Esq. of Cline Williams to Fred Wesner, cc: Matt Johnson and Marc Johnson re: revisions to Declaration of Restrictions (DRM000764 – DRM000766)	
	147		12/02/11 Email from Gary R. Batenhorst, Esq. of Cline Williams to Fred Wesner, cc: Marc Johnson and Matt Johnson re: Disclaimer and Subordination Agreement (BLM\2101 Morse 952 – 954)	

Date	Identification		Description	Offers, Objections, Rulings, Exceptions
	No.	Witness		
	148		12/08/11 Disclaimer, Subordination, and Non-Disturbance Agreement between DRM, Inc. and Johnson Bank	
	149		06/21/12 Email from Gary R. Batenhorst, Esq. of Cline Williams to Matt Johnson re: new strip center and Pancharo's (DRM000737)	
	150		08/20/12 Email from Matt Johnson to Terry McGuire of BLM, cc: Matt Johnson and Marc Johnson re: attached Red Lobster shared parking area (DRM000826 – DRM000827)	
	151		08/20/12 Email from Terry McGuire of BLM to Matt Johnson re: parking (DRM000734 – DRM000735)	
	152		08/22/12 Email from Matt Johnson to Terry McGuire of BLM, cc: Marc Johnson and Matt Johnson re: shared parking situation with Red Lobster (DRM000732 – DRM000733)	
	153		09/14/12 Email from Matt Johnson to Terry McGuire of BLM, cc: Marc Johnson and Matt Johnson re: Red Lobster (DRM000731)	
	154		03/05/13 Email from Terry McGuire of BLM to Matt Johnson re: approached by Panera Bread and their request to waive the restriction (DRM000730)	
	155		02/07/14 Email from Terry McGuire of BLM to Matt Johnson re: Tom & Chee (DRM000728)	

Date	Identification		Description	Offers, Objections, Rulings, Exceptions
	No.	Witness		
	156		02/12/14 Terry McGuire of BLM to Matt Johnson re: request for response related to Tom & Chee (DRM000727)	
	157		02/12/14 Email from Matt Johnson to Terry McGuire of BLM, cc: Matt Johnson re: Tom & Chee menu applicable to portions of Lease (DRM000726)	
	158		09/12/14 Email from Laurie Sheil to Matt Johnson re: Terry McGuire requests I call (DRM000683)	
	159		09/19/14 Email from Michael E. Banks to Gary R. Batenhorst, Esq. of Cline Williams re: permitted User Agreement, language in Arby's restriction does not prohibit all chopped and sliced meats	
	160		09/19/14 Email from Fred Wesner to Michael E. Banks, cc: Terry McGuire of BLM re: Arby's objection to Chipotle and attached Lease, p. 1 and Exhibit A	
	161		09/26/14 Email from Gary Batenhorst to Terry McGuire, cc: Fred Wesner, Matt Johnson, Marc Johnson and Trenten P. Bausch re: representation and issues related to non-compete provisions in Lease and issues with The Diamond Center sign (DRM000676)	
	162		10/01/14 Memorandum of Restrictive Covenant by DRM, Inc.	
	163		11/21/14 Lease Agreement between S&S Milton Ave., LLC and Chipotle Mexican Grill of Colorado, LLC	

Date	Identification		Description	Offers, Objections, Rulings, Exceptions
	No.	Witness		
	164		02/06/15 Withdrawal of Restrictive Covenant by DRM, Inc.	
	165		02/06/15 Withdrawal of Amended and Restated Memorandum of Restrictive Covenant by DRM, Inc.	
	166		02/06/15 Lis Pendens	
	167		Redlined draft Vacant Land Offer to Purchase, Buyer, S&S Milton Ave., LLC	
	168		Arby's To-Go Menu	
	169		Arby's Catering Menu	
	170		Arby's Menu Board	
	171		Photos related to Arby's Chicken Salad	
	172		Chipotle Opening Analysis	
	173		Competitive Review July 2014	
	174		Competitive Review December 2014	
	175		Demonstrative/Interactive Exhibit showing the construction history of the Oasis development over time	
	176		Warranty Deed b/w BLM Land LLC and S&S Milton Ave., LLC, 7/30/14	
	177		Email exchange b/w Fred Wesner and Michael Banks, 9/8/14 and 9/9/14 (BLM/S&S 2466 – 2467)	
	178		Red Lobster menu	
	179		Chipotle menu (BLM00256 – BLM00257)	
	180		Dunkin Donuts menu – bakery items	
	181		Starbuck menu – food	
	182		Long John Silver's menu (platters, sandwiches, salads and kids's meals)	
	183		DRM lease with Schuering Road, LLC, 10/9/00 (DRM000354 – DRM000373)	
	184		BLM damages documentation	

Date	Identification		Description	Offers, Objections, Rulings, Exceptions
	No.	Witness		
	185		Email from Stacy Blocker to AFA Board of Directors re: Competitive Review (July 2014 News) (from Bero's file materials)	
	186		Arby's Demographic Analyzer – Arby's Competitor List, 3/18/10 (from Bero's file materials)	
	187		Arby's Store #1222 Competition Excel Spreadsheet (from Bero's file materials)	
	188		Cost to Move binder (from Bero's file materials)	

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